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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,970	01/16/2004	Steven D. Bush	1776-0013	8323

76360 7590 01/14/2008  
MAGINOT, MOORE & BECK LLP  
111 MONUMENT CIRCLE  
SUITE 3250  
INDIANAPOLIS, IN 46204

EXAMINER
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TUROC, DAVID P

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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01/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/759,970	Applicant(s) BUSH, STEVEN D.	
	Examiner David Turocy	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendments, filed 11/26/2007, have been fully considered and reviewed by the examiner. The examiner notes the amendments to claims 2-6 and 8-16. Claims 1-20 remain pending in the instant applicant, with claims 17-20 withdrawn due to a restriction requirement.

### ***Response to Arguments***

2. Applicant's arguments filed 11/26/2007 have been fully considered but they are not persuasive.

The applicant has argued against the Mistrater reference, stating that the reference teaches against changing the velocity because it discloses using piping that has no change in relative velocity. The applicant's reliance on the passage of Mistrater is erroneous. The reference is disclosing the appropriate piping system, including smooth surfaces (without burrs), similar diameter piping, and large radii bends, so that that piping does not affect the velocity of the fluid and thus the relative velocity of the fluid does not change. The applicant is interpreting this passage to require the velocity to remain constant in the entire system and that there can be no change in velocity, however, such is only required to maintain laminar flow throughout the coating process.

The applicant argues against the Mistrater reference stating that the reference discloses a process free of sources of sudden changes in velocity that would impart the flowing liquid. However, adjusting the pumping velocity is not a source of "sudden"

Art Unit: 1792

velocity change. Additionally, the examiner notes that the rejection is based on the teachings of a combination of references, rather than the teaching of Mistrater alone.

The applicant has argued against the references individually, when the rejection is based on the combination of references. While Pinsly discloses maintaining the constant coating speed but adjusts the viscosity to maintain the coating thickness constant, Cia discloses that coating thickness is directly related to coating speed and viscosity. Therefore, taking the references collectively, one of ordinary skill in the art would have comprehended that to maintain a constant thickness, as the viscosity decreases either add in additional solution (as taught by Pinsly) to provide a constant thickness or adjust the coating speed (by adjusting the pumping speed) to correlate to the new viscosity (as suggested by Cia). Such a determination is well within the skill of one ordinary in the art and would have been obvious to adjusted the pumping speed to maintain coating thickness constant throughout the coating process because Cia discloses coating thickness uniformity is directly related to coating speed and viscosity and Pinsly discloses viscosity decreases during the coating process.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 1792

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5681391 by Mistrater et al, hereafter Mistrater in view of US Patent 6180310 by Pinsly, hereafter Pinsly and US Patent 6270850 by Cia et al., hereafter Cia.

These claims are rejected for the same reasons as set forth in the office action dated 8/24/2007 and for the reasons set forth in section 2 above.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Turocy whose telephone number is (571) 272-2940. The examiner can normally be reached on Monday-Friday 8:30-6:00, No 2nd Friday.

Art Unit: 1792

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Turocy/  
Patent Examiner  
AU 1792



TIMOTHY MEEKS  
SUPERVISORY PATENT EXAMINER